United Nations S/AC.52/2011/4

Security Council

Distr.: General
1 June 2011
English
Original: French

Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya

Note verbale dated 16 May 2011 from the Permanent Mission of Andorra to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Principality of Andorra to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya and has the honour to submit the report of the Government of the Principality of Andorra on resolution 1970 (2011) (see annex).

11-36073 (E) 070611 080611

Please recycle

Annex to the note verbale dated 16 May 2011 from the Permanent Mission of Andorra to the United Nations addressed to the Chair of the Committee

Report of the Principality of Andorra on the implementation of United Nations Security Council resolution 1970 (2011)

The Principality of Andorra, a country with a long tradition of peace, has always expressed its support for the defence and promotion of international peace and security. An advocate of peace, the country has lived without war or conflict for more than seven centuries. Andorra has never allowed any activity to develop in its territory that could place the stability of the region at risk.

This report was prepared in close collaboration with the Supreme Court of Justice, the Customs Department, the Police Department, the Financial Intelligence Unit of Andorra and the Ministry of Foreign Affairs and Institutional Relations. The Public Prosecutor's Office and *Batllia* (Court of First Instance) have also been informed of the resolution.

On 26 February 2011, the Security Council approved resolution 1970 (2011) concerning the Libyan Arab Jamahiriya. Paragraph 25 of the resolution calls upon all States to "report to the Committee within 120 days of the adoption of this resolution on the steps they have taken with a view to implementing effectively paragraphs 9, 10, 15 and 17 above".

Andorra hereby submits the present report, which is a measure of the desire of the Principality to collaborate with the United Nations to promote peace and development.

The following steps were taken by the Government of Andorra to implement the measures set out in paragraphs 9 and 10 of resolution 1970 (2011):

> "9. *Decides* that all Member States shall immediately take the necessary measures to prevent the direct or indirect supply, sale or transfer to the Libyan Arab Jamahiriya, from or through their territories or by their nationals, or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical assistance, training, financial or other assistance, related to military activities or the provision, maintenance or use of any arms and related materiel, including the provision of armed mercenary personnel whether or not originating in their territories, and decides further that this measure shall not apply to:
>
> (a) Supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training, as approved in advance by the Committee established pursuant to paragraph 24 below;
>
> (b) Protective clothing, including flak jackets and military helmets, temporarily exported to the Libyan Arab Jamahiriya by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only; or

(c) Other sales or supply of arms and related materiel, or provision of assistance or personnel, as approved in advance by the Committee;"

The Principality of Andorra has no military force, and its only armed force, the national police, is civilian in nature.

In addition, there are no businesses that manufacture the equipment and related materiel described in paragraph 9 in Andorra. Any such materiel or arms are imported exclusively by request of the national police force and are supplied directly by officially authorized national and international businesses and by means of an "end-user certificate", which ensures that the final recipient is indeed the national police force.

National legislation explicitly prohibits, among other acts, the manufacture, import, distribution, possession, use, purchase, sale and marketing of items considered weapons of war (including the related equipment described in paragraph 9) as well as weapons for police use.

"10. *Decides* that the Libyan Arab Jamahiriya shall cease the export of all arms and related materiel and that all Member States shall prohibit the procurement of such items from the Libyan Arab Jamahiriya by their nationals, or using their flagged vessels or aircraft, and whether or not originating in the territory of the Libyan Arab Jamahiriya;"

As noted in the preceding response, access to such materiel or arms is granted on a very strict and controlled basis and always through authorized importers and exporters.

Furthermore, on 30 March 2011, the Andorran Customs Service issued a directive stating that no material shall be exported to Libya without authorization from the customs administrator.

"15. *Decides* that all Member States shall take the necessary measures to prevent the entry into or transit through their territories of individuals listed in annex I of this resolution or designated by the Committee established pursuant to paragraph 24 below, provided that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory;"

As a sovereign country that is not part of the European Union or the Schengen area, Andorra exercises strict control over the borders with its two neighbouring countries, Spain and France. The national police is the only institution authorized to monitor the entry of persons, which is conducted 24 hours a day at border posts. In addition, all data concerning restrictions on access to Andorran territory is managed through the internal system of the national police. National legislation allows for denying any person entry into the country on the grounds of public order or national security, as in the case at hand.

The Andorran Police has also stated that if the persons listed in annex I present themselves at a border post, they will be denied entry into Andorra. If such persons are found within the Principality, they shall be immediately taken to the Police Headquarters. The competent Government authorities shall be duly informed in either case.

The following measures were taken by the Government of Andorra to implement paragraph 17 of resolution 1970 (2011):

> "17. *Decides* that all Member States shall freeze without delay all funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the individuals or entities listed in annex II of this resolution or designated by the Committee established pursuant to paragraph 24 below, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, and decides further that all Member States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of the individuals or entities listed in annex II of this resolution or individuals designated by the Committee;"

By request of the Prosecutor, the Financial Intelligence Unit has asked the banking entities of the Principality of Andorra to indicate whether the individuals or entities listed in annex II are clients of their establishments. In that event, the Financial Intelligence Unit requires the submission of details on their financial assets, as stipulated by the provisions of paragraph 17 of resolution 1970 (2011).

The *Batllia* has indicated that, to date, it has not received any requests to freeze the financial or economic assets of individuals listed in annex II. Should such a request be made, the *Batllia*, in cooperation with the Public Prosecutor's Office, the Police and the Financial Intelligence Unit shall take the measures required to implement the resolution.

The following measures were taken by the Government of Andorra to implement paragraph 26 of resolution 1970 (2011):

> "26. *Calls upon* all Member States, working together and acting in cooperation with the Secretary-General, to facilitate and support the return of humanitarian agencies and make available humanitarian and related assistance in the Libyan Arab Jamahiriya, and requests the States concerned to keep the Security Council regularly informed on the progress of actions undertaken pursuant to this paragraph, and expresses its readiness to consider taking additional appropriate measures, as necessary, to achieve this;"

At the meeting of 23 March 2011, the Government of the Principality of Andorra pledged a voluntary contribution of 15,000 euros to the Office of the United Nations High Commissioner for Refugees following its appeal for funds for Libyan Arab Jamahiriya.

In conclusion, the Government of Andorra remains fully at the disposal of the Committee established pursuant to resolution 1970 (2011) to furnish additional information and to respond to all of its recommendations.